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Dockets Management System, Room PL 401
U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, DC 20590-0001

Subject: **Docket No. RSPA-99-5013 (HM-229), RIN 2137-AD21**, Advance Notice of Proposed Rulemaking (ANPRM) entitled, ***Hazardous Materials: Revisions to the Incident Reporting Requirements and the Detailed Hazardous Materials Incident Report DOT Form F 5800.1,*** which was published in ***Federal Register*** Volume 64, Number 55, on pages 13943-13947, dated Tuesday, March 23, 1999.

Ladies and Gentlemen:

The Sulphur Institute (TSI), having reviewed and discussed the subject Advance Notice of Proposed Rulemaking (ANPRM) with its North American member companies, offers the following comments and supporting information for consideration. Since the subject ANPRM is broad in scope, TSI comments are limited to specific recommendations about incident reporting requirements and statistical compilation to enhance transportation and public safety. Please contact Harold Weber at (202) 331-9660 to discuss these comments further.

STATEMENT OF POSITION

The Sulphur Institute has consistently supported regulatory changes that are cost-effective and improve public safety. During its history, TSI has supported reasonable changes to transportation regulations that are based upon technical and factual information. Several of the changes being evaluated by the U.S. Department of Transportation (DOT), Research and Special Programs Administration (RSPA) in the subject ANPRM likely will lead to reporting procedures that will improve public safety. In lieu of providing answers for the 35 questions in the ANPRM, TSI offers the following observations and recommendations for consideration:

- 1 - Under "Section I. MODE, DATE, AND LOCATION OF INCIDENT," a field should be added to identify the milepost (rail and highway) and street

address (highway).

- 2 - Under 'Section I. MODE, DATE, AND LOCATION OF INCIDENT,' and "Section VI. TRANSPORT ENVIRONMENT," a field should be added and labeled "Supplemental Information" for voluntary reporting of any additional information.
- 3 - Under "Section VII. PACKAGING INFORMATION," the columns should be renamed "inner packaging," "outer packaging," and "bulk packaging."
- 4 - Under "Section VIII. DESCRIPTION OF PACKAGING FAILURE," fields should be added for "LOADED QUANTITY" and "PACKING GROUP," along with a field labeled, "ACTION CONTRIBUTING TO THE FAILURE," for reporting more specific information.

Unless the conveyance was in direct control of the shipper or consignee at the time of the incident, FORM DOT F 5800.1 should be completed by the carrier and copies should be sent to both DOT and the shipper.

SUMMARY OF THE ADVANCED NOTICE OF PROPOSED RULEMAKING DOCKET NO. HM-229

The RSPA is requesting comments on the merits of revising current incident reporting requirements in the Hazardous Materials Regulations (HMR) and to the incident reporting form (FORM DOT F 5800.1). Information collected about incidents is used to maintain a central reporting system to develop a statistical compilation on casualties and conduct reviews on transportation. These data can be used to analyze risk, improve government and industry transportation management, and substantiate relief from regulatory requirements.

BACKGROUND INFORMATION

The Sulphur Institute, after reviewing the subject ANPRM with its member companies, has compiled information about the observations and offers several recommendations for consideration. In lieu of providing answers for the 35 questions in the ANPRM, TSI evaluated the instructions for completing the current form and its usefulness to analyze risks. There are several proposed modifications to the form that

TSI believes will improve the nature and extent of information collected. With this additional information, the DOT database would be more useful to analyze risk, improve government and industry transportation management, and substantiate relief from regulatory requirements.

The current reporting form (FORM DOT F 5800.1) was designed for collecting pertinent data and information about "serious" incidents involving hazardous materials to establish and maintain a database of information. Input from completed forms are used to maintain a central database, develop a statistical compilation on casualties, and conduct reviews on transportation of regulated materials. These data also can be used to analyze risk, improve government and industry transportation management, and substantiate relief from regulatory requirements. The Institute believes that any new or additional forms for "minor" incidents or for shipments in bulk versus small packages will create confusion and are not needed. To expedite its completion and submission following an incident, TSI recommends that FORM DOT F 5800.1 be made available on the Internet and electronic submission of data should be encouraged.

It also is recommended that FORM DOT F 5800.1 should be filled out by the carrier for all incidents unless the package or conveyance was in direct control of the shipper or consignee at the time of the incident, then the shipper or consignee should make the report. For all incidents, one copy of the completed report FORM DOT F 5800.1 should be maintained by the carrier, one copy should be forwarded to the DOT, and one copy should be forwarded to the shipper.

The Sulphur Institute recommends that several additional fields be added to FORM DOT F 5800.1 to improve data collection and increase the value of the database for evaluating transportation and logistics, reducing incidents, and improving public safety. To enhance the database regarding the specific location of an incident, under "Section I. MODE, DATE, AND LOCATION OF INCIDENT," a field should be added to identify the milepost (rail and highway) and street address (highway). For the same reason, under "Section I. MODE, DATE, AND LOCATION OF INCIDENT," and "Section VI. TRANSPORT ENVIRONMENT," a field should be added and labeled "Supplemental Information" for voluntary reporting of any additional, useful information. This new data would be useful in establishing whether a particular section of track, stretch of highway, or intersection presents a significantly greater risk to public safety.

Further clarification is needed under "Section VII. PACKAGING INFORMATION," and the columns should be renamed "inner packaging," "outer packaging," and "bulk

packaging” The explanatory wording for this section on the current form is difficult to understand and can cause confusion among those workers who are not familiar with non-bulk packages.

To improve the database regarding specific materials and amounts involved as well as the contributing factors to packaging failures at an incident, under “Section VIII. DESCRIPTION OF PACKAGING FAILURE,” fields should be added for “LOADED QUANTITY” and “PACKING GROUP,” along with a field labeled, “ACTION CONTRIBUTING TO THE FAILURE,” for reporting more specific information. This new data will be useful in establishing whether a particular type of material, weight or density of a material, type of packaging, or handling of the conveyance presents a significantly greater risk to public safety.

The Sulphur Institute also offers several other suggestions as a result of its review of the subject ANPRM. The requirements, which describe when FORM DOT F 5800.1 should be completed and submitted, are confusing and need further clarification. The requirements describe several different types and levels of exceptions for completing and submitting the form; these requirements cause confusion and should be clarified. Further, the requirements should be modified to exclude submitting the form for all shipments of packaged, regulated materials, unless the exterior container (e.g. rail car or truck trailer) was breached or failed. For this reason, types of incidents reported should not be expanded beyond the existing requirements.

The addition of new fields to collect specific, additional data, such as, duration of release, estimated length of cracks, or names of any persons injured, is too detailed for an initial report. Should additional information be needed for a specific incident, mechanisms already exist for collecting the additional details about the incident. The need for, and length of, an evacuation due to an incident could be based on emotional, not factual information, and therefore may not be useful. Submitting photographs of incidents with the report should be encouraged.

CONCLUSIONS

In conclusion, TSI believes that several of the changes being evaluated by the RSPA in the subject ANPRM likely will lead to enhanced reporting procedures that will improve public safety. After reviewing the ANPRM, TSI offers several observations and recommendations for consideration, including Under “Section I. MODE, DATE, AND LOCATION OF INCIDENT,” a field should be added to identify the milepost (rail

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and highway) and street address (highway); Under "Section I. MODE, DATE, AND **LOCATION OF INCIDENT**," and "Section VI. TRANSPORT ENVIRONMENT," a field should be added and labeled "Supplemental Information" for voluntary reporting of any additional, useful information; Under "Section VII. PACKAGING INFORMATION," the columns should be renamed "inner packaging," "outer packaging," and "bulk packaging;" and Under "Section VIII. DESCRIPTION OF PACKAGING FAILURE," fields should be added for "LOADED QUANTITY" and "PACKING GROUP," along with a field labeled, "ACTION CONTRIBUTING TO THE FAILURE," for reporting more specific information. In addition, unless the conveyance was in direct control of the shipper or consignee at the time of the incident, FORM DOT F 5800.1 should be completed by the carrier and copies sent to both DOT and the shipper.

The Sulphur Institute appreciates the opportunity to provide observations, comments, and recommendations on Docket No. HM-229. We look forward to your favorable consideration of these comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Harold H. Weber". The signature is fluid and cursive, with the first name "Harold" being more prominent.

Harold H. Weber
Director of Industrial
Programs

cc: A. I. Roberts
D. LaValle
K. Coburn